

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 32-CA-148056

Date Filed 3/12/2015

INSTRUCTION:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Ed and Valerie Smith d/b/a McDonald's and McDonald's USA, LLC as Joint Employers	b. Tel. No. ()
d. Address (Street, city, state, and ZIP code) McDonald's 2301 MacDonald Avenue Richmond, CA 94804 McDonald's Corporation 2111 McDonalds Drive Oak Brook, IL 60523	c. Cell No. () f. Fax No. () g. e-Mail h. Number of workers employed 50 +
e. Employer Representative (b) (6), (b) (7)(C)	i. Type of Establishment (factory, mine, wholesaler, etc.) Fast food restaurant
j. Identify principal product or service Fast food	k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (3) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within six (6) months of filing this charge, Employer retaliated and discriminated against employee (b) (6), (b) (7)(C) by reducing (b) (6) work hours because (b) (6), (b) (7)(C) engaged in activity protected under Section 7 of the Act and to discourage membership in the Western Workers Organizing Committee.

RECEIVED
NLRB REGION 20
MAR 12 PM 1:16
OAKLAND, CA.

3. Full name of party filing charge (If labor organization, give full name, including local name and number)

Western Workers Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

2501 International Boulevard, Suite D
Oakland, CA 94601

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

()

4d. Fax No.

()

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

N/A

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.



(signature of representative of person making charge)

Sean D. Graham, Attorney

(Print/type name and title or office, if any)

Tel. No.

(213) 380-2344

Office, if any, Cell No.

Fax No.

(213) 443-5098

e-Mail

sgraham@unioncounsel.net

Address Weinberg, Roger & Rosenfeld
800 Wilshire Boulevard, Suite 1320
Los Angeles, CA 90017March 12, 2015
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. 1/802783

REGION 32 – DOCKET SHEET (Charge Against EMPLOYER)

Case Name:	ED and VALERIE SMITH d/b/a McDonald's and McDonald's USA, LLC as JOINT EMPLOYERS
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Method of Receipt:	Visit	Written (fax or Mail)	
IO Assisted	Yes	No	
IO Inquiry # on charge	Yes	No	

Assigned to	Supervisor	Ventola	Agent	Gomez
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Dispute Location	City	RICHMOND	State	CA
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Allegations: See back)

Bargaining Status (Check One)

Existing Contract		None	
Organizational Campaign	✓	Seeking Initial Contract	
Seeking Successor Contract			

No. of 8(a) (3) Discriminates	1
-------------------------------	---

Include Back Pay Paragraph	
Include Paragraph Spanish Explanation & Assistance (Charging Party only)	
IA Category	III

10(j) (check if applicable)	✓
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Related Cases Relate on case level and investigation Action unless otherwise noted)	N/A
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Blocks R Cases Number: Relate on case level and Investigation Action unless otherwise noted)	
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Comments:	
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Section	Allegation	Applicable?
8(a)(1)	Coercive Actions (Surveillance, etc)	
	Coercive Rules	
	Coercive Statements (Threats, Promises of Benefits, etc.)	
	Concerted Activities (Retaliation, Discharge, Discipline) (*)	
	Denial of Access	
	Discharge of supervisor (Parker-Robb Chevrolet)	
	Interrogation (including Polling)	
	Lawsuits	
	Weingarten	
8(a)(2)	Assistance	
	Domination	
	Unlawful Recognition	
8(a)(3)	Changes in Terms and Conditions of Employment	✓
	Discharge (Including Layoff and Refusal to Hire (not salting) (*)	
	Discipline	
	Lockout (*)	
	Refusal to Consider/Hire Applicant (salting only) (*)	
	Refusal to Hire Majority (*)	
	Refusal to Reinstate E'ee/Striker (e.g. Laidlaw) (*)	
	Retaliatory Lawsuit	
	Shutdown or Relocate/Subcontract Unit Work (*)	
	Union Security Related Actions (*)	
8(a)(4)	Changes in Terms and Conditions of Employment	
	Discharge (including Layoff and Refusal to Hire)	
	Discipline	
	Refusal to Reinstate Employee/Striker	
	Shutdown or Relocate/Subcontract Unit Work	
8(a)(5)	Alter Ego	
	Failure to Sign Agreement	
	Refusal to Bargain/Bad Faith Bargaining (incl'g surface Bargaining/direct dealing)	
	Refusal to Furnish Information	
	Refusal to Recognize	
	Repudiation/Modification of Contract [Sec 8(d)/Unilateral Changes] (*)	
	Shutdown or Relocate (e.g. First National Maint.) Subcontract Work (*)	
8(e)	All Allegations against an Employer	

(*) May require adding the Back – Pay Statement to Charging Party Letter

STEVEN W. WINSTON
DAVID A. ROBINSON
WILLIAM A. ZONDEL
BLYTHE MICHAELSON
BARRY E. NINKLE
JAMES J. WELCHER
THEODORE FRANKLIN
ANTONIO BLAS
MATTHEW J. GAUGER
ARMLEY K. INEDA
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PATRICIA A. DAVIS
ALAN D. GROMLEY
KRISTINA L. WILLMAN
EMILY P. RICH
BRUCE A. HARLAND
CONCEPCION E. LOZANO-SANTANA
CAREN R. BENDER
ANNE I. YEN
KRISTINA M. ZINNEN
JENNIFER V. MARIANDELA
MANUELA A. RODRIGUEZ
KERRIANNE B. RYSELE
CARY B. BROVENCHESTER
ECKHARD D. CARDOZ
MONICA T. QUIZAR
SHARON A. SCHENSTEN
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ALEXANDRO F. DELGADO
VINCENT O. LONGHARU

VINCENT A. HARRINGTON, Of Counsel
PATRICIA M. CATER, Of Counsel
ROBERTA Q. MERRING, Of Counsel
KIM FENDEL, Of Counsel

- Admitted in New York
- Also admitted in Nevada
- Also admitted in Illinois
- Also admitted in New York
- Also admitted in New York and Michigan

March 12, 2015

VIA FACSIMILE AND U.S. MAIL
Fax No. (415) 356-5156

Joseph F. Frankl
Regional Director
National Labor Relations Board, Region 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

2015 MAR 12 PM 1:16
OAKLAND, CA.
NLRB REGION 20

Re: Western Workers Organizing Committee and
Ed and Valerie Smith d/b/a McDonald's and McDonald's USA, LLC as Joint Employers
Charge Against Employer

Dear Mr. Frankl:

Enclosed please find an unfair practice charge which we are filing this date against the employer Ed and Valerie Smith d/b/a McDonald's and McDonald's USA, LLC as Joint Employers.

Your agent should contact directly Erika Lenhart of the Union to obtain evidence and schedule interviews with witnesses. Ms. Lenhart's direct line number is: (510) 712-0412.

Please keep me informed of all phases of the investigation, give me copies of all evidence submitted by the charging party, furnish me with any statements they provide, include me in any settlement discussions, and keep me informed of any agenda decisions. On any calendar matters, please contact the Calendar Department of our office.

Sincerely,


Sean D. Graham

(b) (6), (b) (7)(C)

opeiu 3 afl-cio(1)

(b) (6), (b) (7)(C)

Enclosures

cc: Erika Lenhart



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlr.gov
Telephone: (510)637-3300
Fax: (510)637-3315



Download
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Mobile App

March 12, 2015

(b) (6), (b) (7)(C)

ED AND VALERIE SMITH D/B/A MCDONALD'S
2301 MACDONALD AVE
RICHMOND, CA 94804-1820

MCDONALDS USA, LLC
2111 MCDONALDS DR
OAK BROOK, IL 60523-2199

**Re: Ed and Valerie Smith d/b/a McDonald's
and McDonald's USA, LLC as Joint
Employers
Case 32-CA-148056**

Dear Sir and/or Madam and (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Board Agent Lelia Gomez whose telephone number is (510)637-3257. If this Board agent is not available, you may contact Supervisory Attorney Catherine Ventola whose telephone number is (510)637-3288.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as

March 12, 2015

possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

March 12, 2015

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "George Velastegui". The signature is written in a cursive, flowing style.

George Velastegui
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Ed and Valerie Smith d/b/a McDonald's and McDonald's USA, LLC as Joint Employers

CASE NUMBER

32-CA-148056

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)**YES NO**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**ED AND VALERIE SMITH D/B/A
MCDONALD'S AND MCDONALD'S USA, LLC
AS JOINT EMPLOYERS**

Charged Party

and

**WESTERN WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 32-CA-148056

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 12, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

ED AND VALERIE SMITH D/B/A MCDONALD'S
2301 MACDONALD AVE
RICHMOND, CA 94804-1820

MCDONALDS USA, LLC
2111 MCDONALDS DR
OAK BROOK, IL 60523-2199

March 12, 2015

Date

Alice Lafontaine, Designated Agent of
NLRB

Name

/s/ Alice Lafontaine

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315



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March 12, 2015

ERIKA LENHART, UNION REPRESENTATIVE
WESTERN WORKERS ORGANIZING COMMITTEE
2501 INTERNATIONAL BOULEVARD, SUITE D
OAKLAND, CA 94601

**Re: Ed and Valerie Smith d/b/a McDonald's
and McDonald's USA, LLC as Joint
Employers
Case 32-CA-148056**

Dear Ms. Lenhart:

The charge that you filed in this case on March 12, 2015 has been docketed as case number 32-CA-148056. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Board Agent Lelia Gomez whose telephone number is (510)637-3257. If this Board agent is not available, you may contact Supervisory Attorney Catherine Ventola whose telephone number is (510)637-3288.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

March 12, 2015

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "George Velastegui". The signature is written in a cursive, flowing style.

George Velastegui
Regional Director

cc: SEAN D. GRAHAM, ATTORNEY
WEINBERG ROGER & ROSENFELD
800 WILSHIRE BLVD, SUITE 1320
LOS ANGELES, CA 90017-2623



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

Agent's Direct Dial: (510) 637-3257

March 13, 2015

Ms. Erika Lenhart
2501 International Blvd. Suite D
Oakland, CA 94601

Re: Ed and Valerie Smith d/b/a McDonald's
and Mcdonald's USA, LLC as Joint
Employers
Case 32-CA-148056

Dear Ms. Lenhart,

My name is Lelia Gomez and I am investigating the above-captioned case. Per our recent telephone conversation, I would like to move forward and schedule affidavits for sometime early next week. Are you available this coming Tuesday, March 17 at 1:00 pm or Wednesday, March 18 at 9:30 am? Also, all evidence in support of your charge must be in my possession by the end of the business day on Monday, March 23, 2015. An investigation of the allegations of this charge cannot begin until such evidence has been provided to me. If your evidence is not sent to me by the due date set forth above, I will assume that you are no longer interested in pursuing this charge and I will recommend that this charge be dismissed.

Please note that failure to contact me immediately to schedule affidavits, or failure to submit all evidence in support of your charge by the above date, may result in the dismissal of this charge for lack of cooperation and/or insufficient evidence. If you have any questions please call me at the number above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lelia M. Gomez".

LELIA M. GOMEZ
Board Agent

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
BLYTHE MICKELSON
BARRY E. HINKLE
JAMES J. WESSER
THEODORE FRANKLIN
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EZEKIEL D. CORDER ****
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ALEJANDRO F. DELGADO
MINSU D. LONGIARU *****

VINCENT A. HARRINGTON, Of Counsel
PATRICIA M. GATES, Of Counsel
ROBERTA D. PERKINS, Of Counsel
NINA FENDEL, Of Counsel

* Admitted in Hawaii
** Also admitted in Nevada
*** Also admitted in Illinois
**** Also admitted in New York
***** Also admitted in New York and Michigan

March 19, 2015

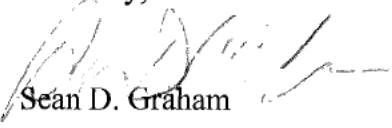
Mr. George Velastegui
NLRB Regional Director
National Labor Relations Board, Region 32
1301 Clay Street, Room 300N
Oakland, CA 94612

Re: Western Workers Organizing Committee
Ed and Valerie Smith d/b/a McDonald's USA, LLC as Joint Employers
NLRB Case No. 32-CA-148056
Charging Party's Withdrawal of Charge

Dear Mr. Velastegui:

Our office represents the Charging Party Western Workers Organizing Committee in the above-referenced matter. Charging Party hereby withdraws the unfair practice charge in Case 32-CA-148056.

Sincerely,


Sean D. Graham

(b) (6), (b) (7)(C)

opeiu 3 afl-cio(1)

(b) (6), (b) (7)(C)

cc: Ms. Erika Lenhart

From: Velastegui, George P.
Sent: Monday, April 6, 2015 11:36 AM
To: Devlin, Helen E
Subject: FW: FINAL PROCESSING of Non-adjusted Withdrawal in Ed and Valerie Smith, d/b/a McDonald's and McDonald's USA, LLC as Joint Employer, Case 32-CA-148056
Attachments: FIR.32-CA-148056.FIR Recommending Approval of Withdrawal 03242015.docx

I have approved the withdrawal request (not adjusted)

From: Hardy-Mahoney, Valerie M.
Sent: Monday, April 06, 2015 8:05 AM
To: Velastegui, George P.
Subject: FW: FINAL PROCESSING of Non-adjusted Withdrawal in Ed and Valerie Smith, d/b/a McDonald's and McDonald's USA, LLC as Joint Employer, Case 32-CA-148056

Dear George:

The FIR Recommendation to Approve Withdrawal and the letter Withdrawal Request are ready for your approval.

Val

From: Dunham, Geoffrey
Sent: Friday, April 03, 2015 7:46 AM
To: george.velastegui@nrlb.gov
Cc: Wainstein, Richard; Hardy-Mahoney, Valerie M.
Subject: Fw: FINAL PROCESSING of Non-adjusted Withdrawal in Ed and Valerie Smith, d/b/a McDonald's and McDonald's USA, LLC as Joint Employer, Case 32-CA-148056

George, (b) (5), ok to process withdrawal. Thanks, Geoff

From: Velastegui, George P.
Sent: Wednesday, March 25, 2015 4:09 PM
To: Dunham, Geoffrey
Subject: FW: FINAL PROCESSING of Non-adjusted Withdrawal in Ed and Valerie Smith, d/b/a McDonald's and McDonald's USA, LLC as Joint Employer, Case 32-CA-148056

Geoff,

Pursuant to Operations' directives regarding *McDonald's* coordinated cases, attached is the FIR recommending approval of the CP's withdrawal. Please let us know when we are cleared to issue my approval of the withdrawal. Thank you

George

From: Hardy-Mahoney, Valerie M.
Sent: Wednesday, March 25, 2015 8:46 AM
To: Velastegui, George P.

Subject: FW: FINAL PROCESSING of Non-adjusted Withdrawal in Ed and Valerie Smith, d/b/a McDonald's and McDonald's USA, LLC as Joint Employer, Case 32-CA-148056

Dear George:

This case is subject to coordination by Region 2, as set forth in the emails below. The Charging Party requested withdrawal of the charge (b) (5). Cindy has already apprised Region 2 of the pendency of this charge in Region 32 and of the circumstances of the withdrawal request. Region 2 DRA Geoff Dunham asked that our FIR Recommendation to Approve Withdrawal, attached above, be sent to him for clearance.

Val

From: Ventola, Catherine L.
Sent: Tuesday, March 24, 2015 5:00 PM
To: Hardy-Mahoney, Valerie M.
Subject: FINAL PROCESSING, Ed and Valerie Smith, d/b/a McDonald's and McDonald's USA, LLC as Joint Employer, Case 32-CA-148056

Val,

I have selected you as the next approver for the FIR Recommending Approval of the Union's withdrawal request. The Union is (b) (5), (b) (6), (b) (7)(C)

Let me know if you think we should.

Thanks,
Cathy

From: Hardy-Mahoney, Valerie M.
Sent: Tuesday, March 24, 2015 4:31 PM
To: Rence, Cynthia C.; Ventola, Catherine L.
Subject: RE: McDonald's case 32-CA-148056

Will do.

From: Rence, Cynthia C.
Sent: Tuesday, March 24, 2015 12:51 PM
To: Ventola, Catherine L.; Hardy-Mahoney, Valerie M.
Cc: Rence, Cynthia C.
Subject: McDonald's case 32-CA-148056

Cathy and Val—

Below are the coordination instructions from the Operations page for McDonald's (b) (5)

(b) (5)

Thanks,
Cindy

McDonald's

At this time, there are several charges filed against McDonald's and McDonald's Corporation and various McDonald's franchises pending in Regions 2, 5, 13 and 14 alleging independent 8(a)(1) violations and 8(a)(1) and (3) discipline & discharge violations as well as joint employer issues.

(b) (5)



If you have any question about coordination of these cases, please contact DAGC Richard Wainstein at 202-273-2931 /

Richard.Wainstein@nrlb.gov.

January 23, 2015

Case Name: Ed and Valerie Smith d/b/a McDonald's and McDonald's USA, LLC as Joint Employers
Case No.: 32-CA-148056
Agent: LELIA GOMEZ, Law Clerk

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
3/12/2015	Erika Lenhart (Charging Party—Union Representative)	Telephone	I left a voicemail or Ms. Lenhart introducing myself and requesting that she contact call to schedule an in-person affidavit.
3/13/2015	Erika Lenhart	Telephone	I called Ms. Lenhart and we agreed to schedule an affidavit for the coming week. She asked that I email her possible dates and times.
3/13/2015	Erika Lenhart	Email	I emailed Ms. Lenhart a letter asking if she would be available to come in Monday, March 16, 2015 or Wednesday, March 18, 2015. I also noted that I needed all of her evidence in by Friday, March 20, 2015. The emailed letter has been uploaded into NxGen.
3/17/ 2015	Erika Lenhart	Telephone	I left a voicemail for Ms. Lenhart asking that she contact me at her earliest convenience so that we may schedule affidavits in her case this week.
3/18/2015	Erika Lenhart	Telephone	I called Ms. Lenhart and we agreed to tentatively schedule (b) (6), (b) (b) (6), (b) (7)(C) affidavit for (b) (6), (b) (b) (6), (b) (7)(C) The (b) (6), (b) (7)(C) would be terminated employee (b) (6), (b) (7)(C) Ms. Lenhart told me that she would call me later in the day to confirm the affidavits.
3/19/2015	Sean Graham (Union Counsel)	Telephone	I called Mr. Graham and left a voicemail (b) (5), (b) (6), (b) (7)(C)

Date	Person Contacted	Method of Contact	Description of Contact or Activity
			(b) (5), (b) (6), (b) (7)(C) I further reminded him that the Union's deadline to submit all evidence in the matter was this coming Monday, March 23 and that if new evidence was not presented that I would be recommending that the charge be dismissed.
3/24/2015	Sean Graham	Email/Regular Mail	Mr. Graham sent the Region a letter withdrawing the charge.
3/24/2015	Mathew Murray (b) (6), (b) (7)(C) private attorney)	Telephone	I called Mr. Murray to inform him that his client, (b) (6), (b) (7)(C), had left original copies of (b) paystubs and receipts with me. I asked him where would be the best place to mail them back to. He asked that I mail them back that afternoon, which I did.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
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April 6, 2015

SEAN D. GRAHAM, Attorney
WEINBERG ROGER & ROSENFELD
800 WILSHIRE BLVD
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LOS ANGELES, CA 90017-2623

ERIKA LENHART, Union Representative
WESTERN WORKERS ORGANIZING
COMMITTEE
2501 INTERNATIONAL BOULEVARD,
SUITE D
OAKLAND, CA 94601

Re: Ed and Valerie Smith d/b/a McDonald's and
McDonald's USA, LLC as Joint Employers
Case 32-CA-148056

Dear Mr. GRAHAM and Ms. LENHART:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in cursive script that reads "George Velastegui".

GEORGE VELASTEGUI
Regional Director

cc: (b) (6), (b) (7)(C)
ED AND VALERIE SMITH D/B/A
MCDONALD'S
2301 MACDONALD AVE
RICHMOND, CA 94804-1820

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